

DEPARTMENT OF THE NAVY  
Office of the Secretary  
1000 Navy Pentagon  
Washington DC 20350-1000

SECNAVINST 3900.41D  
ASN(RDA)EFP  
2 August 1995

SECNAV INSTRUCTION 3900.41D

From: Secretary of the Navy  
To: All Ships and Stations

Subj: ACQUISITION, TRANSPORT, CARE  
AND MAINTENANCE OF MARINE  
MAMMALS

Ref: (a) Marine Mammal Protection Act of  
1972 amended  
(b) 10 United States Code 7524  
(c) Animal Welfare Act, 7 United States  
Code 2131  
(d) SECNAVINST 3900.38B

1. Purpose. To prescribe policies and procedures governing the acquisition, transport, care and maintenance of marine mammals by, within, or for the naval establishment.

2. Cancellation. SECNAVINST 3900.41C.

3. Applicability. This instruction applies to all personnel, both military and civilian, of the Department of the Navy and to all Navy-sponsored marine mammal programs that involve the acquisition, transport, care and maintenance of marine mammals.

4. Definitions

a. The term "marine mammal" means any mammal which: (1) is morphologically adapted to the marine environment (including sea otters and members of the orders Sirenia, Pinnipedia, and Cetacea), or (2) primarily inhabits the marine environment (such as the polar bear).

b. The term "take" means to harass, hunt, capture or kill, or an attempt to harass, hunt, capture or kill any marine mammal.

c. The term "humane" in the context of the taking, transporting, treating or maintaining of a marine mammal means the method involves the least possible degree of pain and suffering practicable to the mammal involved.

5. Background

a. Reference (a) establishes provisions and regulatory requirements for the take and transfer of marine mammals. Reference (b) grants authority to the Secretary of Defense to take not more than 25 marine mammals each year for national defense purposes. Marine mammals required by the Navy can be acquired only after issuance of a permit or authorization by the appropriate federal agency.

b. Reference (c) establishes minimum requirements for the care and treatment of marine mammals. Reference (d) provides basic policy on the humane care and treatment of laboratory animals used for research, development, test and evaluation.

6. Organization

a. The Deputy for Expeditionary Forces Programs, Office of the Assistant Secretary of the Navy (Research, Development and Acquisition) is designated to act as the coordinator for the Secretary in carrying out Navy-Marine Corps responsibilities. In that capacity he will establish Navy policy, provide Navy liaison with the Departments of Agriculture, Commerce and Interior and other outside agencies for issues relating to marine mammals.

b. The Chief of Naval Operations, Director Expeditionary Warfare Division (N85) is designated as the sponsor for operational Navy marine mammal programs and will ensure that the provisions of this instruction are complied with by Fleet activities.

c. The Naval Command, Control and Ocean Surveillance Center Research Development Test and Evaluation Division (NCCOSC RDTE DIV) is designated as the lead laboratory for all Navy-sponsored programs that involve the acquisition, transport, care and maintenance of marine mammals. Acting for the Deputy for Expeditionary Forces Programs, NCCOSC RDTE DIV will:

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(1) Ensure that the provisions of this instruction are adhered to by all personnel engaged in Navy-sponsored marine mammal programs.

(2) Act as the principal Navy point of contact for liaison with the regulatory and other outside agencies regarding marine mammal acquisition, transport, care, maintenance and transfer.

(3) Maintain a Senior Scientist for Animal Care who will direct and supervise a program of animal husbandry and veterinary care for all marine mammals within Navy responsibility.

(4) Ensure that all Navy marine mammals receive the highest quality of humane care and maintenance in accordance with all applicable laws and regulations.

**7. Policy**

a. Marine mammals will be provided the highest quality of humane care and treatment. In case of a conflict between standards in references (a), (c), (d) and paragraph 6-c of this instruction, the higher standard should be used.

b. Marine mammals under Navy cognizance will be acquired, maintained, transported and transferred in full accordance with appropriate federal law and regulations.

c. Release of information concerning Navy-sponsored marine mammal programs will be by the NCCOSC RDTE DIV Public Affairs Officer, coordinated as necessary with the Chief of Naval Operations, Director Expeditionary Warfare Division (N85), Commander, Space and Naval Warfare Systems Command, and the Chief of Information. Release of information concerning operational marine mammal systems by Fleet Units will be coordinated with the NCCOSC RDTE DIV Public Affairs Officer.

**8. Action.** Navy and Marine Corps activities conducting, administering or sponsoring applicable work with marine mammals, as defined in paragraph 4, will:

a. Comply with this instruction and references (a), (b), (c) and (d).

b. Forward all applications and licenses for marine mammal permits and authorizations to NCCOSC RDTE DIV for review and technical assistance required to comply with references (a) and (c) prior to forwarding to Assistant Secretary of the Navy (Research, Development and Acquisition) for submission to the Departments of Commerce, Interior, Agriculture or Defense.

**W. C. BOWES**

Principal Deputy Assistant

Secretary of the Navy

(Research, Development and Acquisition)

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